

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

**VENITHER JOHNSON, individually  
and on behalf of others similarly situated,**

**Plaintiff,**

**V.**

**VOLUNTEER HOME CARE, INC.**

**Defendant.**

**Case No. 1:21-cv-01118-STA-jay**

## ORDER GRANTING MOVANTS' MOTION TO SUBSTITUTE PARTIES

Before the Court is Movants’ Motion to Substitute Parties pursuant to Fed. R. Civ. P. 25. (ECF No. 17.) Plaintiff Venither Johnson passed away on October 18, 2021. Her claims made pursuant to the Fair Labor Standards Act, were not extinguished by her passing and may appropriately be pursued by her successors. *See, e.g., Daigle v. Angeline Enter., Inc.*, 2015 WL 7271746 \*1 (M.D. Fla. Oct. 27, 2015) (“a claim for compensation due under the FLSA survives the death of the employee”); *accord Acebal v. U.S.*, 60 Fed. CL. 551, 557 (2004); *Lai Yoong Low, et. al. v. Tian Yu, Inc., et. al.*, 2015 WL 1011699 \*3 (S.D.N.Y. March 9, 2015); *McFeely v. Jackson Street Entertainment, LLC.*, 2014 WL 4182231 \*2 (D. Md. Aug. 19, 2014); *Veliz v. Cintas Corp.*, 2008 WL 281171 \*2, n.2 (N.D. Cal. July 17, 2008).

Movants have established that they are the intestate heirs and successors to Mrs. Johnson. Furthermore, Movants have consulted with counsel for Defendant, and Defendant does not oppose the Motion. For these reasons, Movant's Motion to Substitute Parties (ECF No. 17) is **GRANTED**. It is therefore **ORDERED** pursuant to Fed. R. Civ. Pro. 25 that James Johnson,

Denardo Goff and Prentice Goff are hereby substituted as parties plaintiff in this matter in the place of Plaintiff Venither Johnson.

**IT IS SO ORDERED.**

**s/ S. Thomas Anderson**  
S. THOMAS ANDERSON  
CHIEF UNITED STATES DISTRICT JUDGE

Date: December 10, 2021.